

SENATE BILL 1280

By Norris

AN ACT to amend Tennessee Code Annotated, Title 59;  
Title 60 and Title 69, relative to water quality.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 60, Chapter 1, Part 7, is amended by adding the following language as a new section:

60-1-706.

(a) For the purpose of this section:

(1) "Horizontal drilling" or "horizontal directional drilling" means the lateral drilling of various wells through a zone of oil or gas-bearing rock at angles from a vertical well-hole;

(2) "Hydrological fracturing" or "fracturing" means a process in which fluids, commonly made up of water and chemical additives are combined with sand and are pumped at high pressure into geologic formations holding oil and gas;

(3) "Operator" means any person, partnership or corporation that owns or is directly responsible for a business involved in some phase of horizontal drilling or hydrological fracturing operations, or both, for the purpose of recovering oil or natural gas;

(4) "Water well" means a hole drilled into the earth, by boring or otherwise, for the production of drinking water; and

(5) "Well owner" means the person who owns the real property on which a water well is located.

(b)

(1) Prior to the initiation of operations to recover oil or natural gas by means of horizontal drilling or hydrological fracturing, the department shall test groundwater quality in all water wells located within a one (1) mile radius of any borehole created for drilling or fracturing, to establish a water quality baseline for the analysis of water quality both during and after such operations.

(2) Once operations to recover oil or natural gas by means of horizontal drilling or hydrological fracturing have been initiated, the department shall evaluate water quality in the wells located within a one (1) mile radius of any borehole created for drilling or fracturing against the baseline results and any other results obtained after obtaining the baseline results by testing for any fracturing fluid chemicals.

(3) Post-drilling water quality testing shall be conducted within six (6) months of the completion of drilling or fracturing.

(4) The results of the tests shall be a public record in the office of the commissioner, open to inspection by anyone, and shall be sent to the well owner.

(c)

(1) No later than the filing of the application with the board for a permit to engage in horizontal drilling or fracturing, and prior to initiating any site preparation, the applicant shall give notice by certified mail, return receipt requested, of the applicant's intent to drill to the owner of the real property that is located within a one (1) mile radius of any borehole created for drilling or fracturing.

(2) The well owners who must be notified under this section shall be the property owners of record in the property tax assessor's office in the county where the property is located.

(3) The notice shall include the proposed location of the oil or gas well site, and shall identify whether the operator will be engaged in horizontal drilling, hydrological fracturing, or both, at the site.

(d) All costs associated with testing procedures prescribed in this section shall be borne by the operator.

(e) The board shall promulgate rules and regulations in accordance with Tennessee Code Annotated, title 4, chapter 5, to effectuate the purposes of this act including, but not limited to, the promulgation of rules and regulations to impose civil monetary penalties for violations of this act.

SECTION 2. For the purpose of promulgating rules and regulations this act shall take effect upon becoming a law, the public welfare requiring it. For all other purposes, this act shall take effect January 1, 2014, the public welfare requiring it.